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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,030	06/15/2005	Eric Jos Bert Koerber	NL 021312	2738
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			EXAMINER ZANELLI, MICHAEL J	
			ART UNIT 3661	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,030

Applicant(s)

KOERBER, ERIC JOS BERT

Examiner

Michael J. Zanelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/23/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined. The preliminary amendment filed 6/15/05 has been entered. Claims 1-16 are pending.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. The IDS filed 8/23/06 has been considered as indicated. The French patent documents have not been considered because applicant has not provided translations or statements of relevancy as required.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed structures comprising the "system" and/or "user device" must be clearly shown or the feature(s) canceled from the claim(s). No new matter should be entered. Furthermore, the blocks shown in Fig. 2 require descriptive legends.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The disclosure is objected to because of the following informalities: Headings are required to indicate various sections of the specification. Appropriate correction is required.

6. Claims 1-14 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. As per claims 1-14 in general, the claims as a whole fail to define the structures which make up the "system" and/or "user device" which enable the claimed functions. Phrases such as "being arranged to" presents functional language without clearly defining the underlying structures which enable such functions to be performed.

B. As per claim 2, the claim is incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are the relationship between the "system", user device and the navigation database.

C. As per claims 4, 13 and 14, the claims are indefinite because of the use of the alternative "and/or".

D. As per claim 4, "said remote location of the device (130, 140)" lacks antecedence. It is believed the claim should read --said remote physical location (130, 140)--.

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E. As per claims 11, 13 and 14, "the information database" lacks antecedence (note claim 10 introduces this limitation).

F. As per claim 12, the claim is unclear as recited.

G. As per claim 16, the claim states that a programmable device is made to function as the system of claim 1. However, claim 1 does not clearly define a series of programmable "functions".

H. All claims depending from a rejected base claim are also rejected as containing the same deficiencies.

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 16 is directed to a computer program "product" without a computer-readable medium necessary for imparting the computer program's functionality.

Computer programs in and of themselves do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. Such computer programs constitute functional descriptive material which is nonstatutory. See MPEP 2106(IV)(B)(1)(a). The examiner suggests rewriting the claim as "A computer readable medium having a computer program product enabling ...".

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-16, as best interpreted given the deficiencies noted above, are rejected under 35 U.S.C. 102(b) as being anticipated by Ellenby et al. (US 2002/0140745).

A. As per claims 1, 15 and 16, Ellenby discloses a system for providing a user with location-based information in which a processor-controlled user device is arranged to enable the user to use the location-based information (Abs). The user device (see as exemplary Figs. 2, 9-13) is arranged (“programmed”) [0185] to enable the user to point the device at a remote location and for selecting information corresponding thereto (see as exemplary Figs. 28-32, 45, 47; [0025-0026]).

B. As per claims 2-6, 8 and 10-12, as above whereby the user device is arranged to determine the device’s current location and the direction in which the device is pointing (Fig. 2) and uses that information to access information stored in one or more databases to obtain information about an object being pointed to [0025-0026]. If one or more objects may be identified, provisions are made to ensure the desired object is selected [0325-0326]. Information retrieved regarding the object may include applications which enable the user device to initiate communications with the object or cause some multi-media functions to be performed [0307, 0344, 0350, 0354-0355, 0386].

C. As per claim 7, as above whereby the user device may include a visual display (see as exemplary Figs. 46-48, 51).

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D. As per claim 9, as above whereby the user device may communicate to a remote server to perform remote processes and return information back to the user device (Fig. 1; [0116, 0129-0130]).

E. As per claims 13 and 14, as above whereby the databases containing the navigation and/or location-based information may be contained within the user device or at a remote location accessible via wireless communications (Fig. 1; [0108-0110, 0187]).

11. Claims 1-5, 7, 8, 10-12, 15 and 16, as best interpreted given the deficiencies noted above, are further rejected under 35 U.S.C. 102(b) as being anticipated by Norton (5,311,203).

A. As per claims 1, 15 and 16, Norton discloses a system for providing a user with location-based information in which a processor-controlled user device (Fig. 1) is arranged to enable the user to use the location-based information (Abs; Figs. 2, 3; col. 5:50-48; col. 7:18+). The device allows a user to point the device at a remote object and access information relative to the object (col. 1:41-46).

B. As per claims 2-5, 8 and 10-12, as above whereby the user device is arranged to determine the device's current location and the direction in which the device is pointing (col. 4:31 to col. 5:23) and uses that information to access information stored in one or more databases to obtain information ("content") about an object being pointed to (Abs; col. 5:49 to col. 6:25).

C. As per claim 7, as above whereby a visual display provides information about the object to the user (Fig. 2:26; Abs).

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ellenby (6,173,239) and Ellenby et al. (6,396,475) disclose subject matter

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comparable to that described above relative to Ellenby et al. '745 and are considered highly relevant. Bragansa et al. (6,795,768) is considered highly relevant and incorporates the use of a remote server to obtain location-based information. Each of these documents are considered "102" art, but have not been applied against the claims to reduce undue multiplicative rejections. It is highly suggested applicant take these documents into consideration in responding to this Office action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (571) 272-6969. The examiner can normally be reached on Monday-Thursday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J. Zanelli/
Primary Examiner
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